REMARKS

The claims of this application are being resubmitted in unamended form on the belief that the McCanne reference is no more relevant to Applicant's invention than previously cited art.

With respect to Applicant's claim 1, this claim includes the limitation of "one or more network routing modules or router-embedded applets operative, in addition to normal packet-routing, to permit or inhibit the distribution of a particular message based upon the *content of the message.*" (Emphasis added). In a previous Board decision reversing the Examiner, the Board read the instant claims as requiring *specific data content in a message* to trigger content-based routing. (Emphasis in original). The Board went on to note that "according to Appellant's unequivocal interpretation, the mere *type* of content (e.g., audio or video) would be insufficient to trigger the claimed content-based routing. (Emphasis again in original).

The Examiner now argues that McCanne discloses content-based routing, but it is Applicant's position that this reference, like the previously cited DeSimone reference, does not teach or suggest content-based routing as defined by Applicant. In particular, the Examiner feels that this limitation is met at column 2, line 60 to column 3, line 8 of the '872 patent, which has been reproduced hereinbelow:

> "The present invention allows application-level control to be applied to the transferred data. For example, if a confluence of high-bandwidth video flows arrives at a choke point in the network (where the choke point is either a physical bandwidth limit or an administratively configured bandwidth constraint), the MediaBridge intelligently filters and/or transforms flows so that they fit onto the outgoing link. The transformations can, for example, reduce the frame rate or resolution uniformly as opposed to simply dropping packets at the network layer (without accounting for media semantics). The invention exploits application-level activity to control adaptation. For example, in a videoconference, cues from the audio channel, or from the dispositions of the user interfaces at the clients, can be used to decide to dedicate more of the traffic class' bandwidth allocation to the current speaker."

From the above, it can be seen that *content* is not a determining factor in permitting or inhibiting the distribution of a particular message. Rather, it appears from this passage that again media type is responsible only for adjusting bandwidth requirements. According to McCanne, if

a high-bandwidth video causes a network slowdown, the MediaBridge filters and/or transforms flow so it can "fit onto an ongoing link." This is done by reducing frame rate or resolution *as opposed to* simply dropping packets at the network layer. In a videoconference, cues from an audio channel, or from the dispositions of the user interfaces at clients, can be used to decide to dedicate more of the traffic class' bandwidth allocation to the current speaker. This has nothing to do with content control and, in fact, it is much like the previously cited DeSimone reference, in that user interfaces can be used to decide bandwidth allocation, and <u>not</u> the content of a message.

As to claim 11, Applicant respectfully disagrees that McCanne's "designated router" reads on a lobby manager. Applicant's claim 11 defines a lobby manager as facilitating communications between the client application and a federation. Such a disclosure is not exclusively stated in the McCanne reference. Further, claim 11 also includes a limitation of one or more network routing modules or router-embedded applets operative to permit or inhibit distribution based upon content. Again, for the reasons set forth hereinabove, it is Applicant's position that McCanne neither teaches nor suggests such a capability.

Anticipation may be established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of a claimed invention. <u>RCA Corp. v. Applied Digital Data Systems</u>, 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). Moreover, anticipation requires the presence of all elements of a claimed invention as arranged in the claim, such that a disclosure "that 'almost' meets that standard does not 'anticipate'." <u>Connell v. Sears, Roebuck Co.</u>, 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983). Since, in this case, McCanne neither teaches nor suggests all of the limitations of Applicants' independent claims, *prima facie* anticipation has not been established.

Based upon the foregoing, Applicant believes the pending application is in condition for allowance. Questions may be directed to Applicant's below-signed representative at the telephone and/or facsimile numbers provided below.

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Respectfully submitted,

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